

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONRAD REYNOLDSON, STUART
PIXLEY, and DAVID WHEDBEE, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

CITY OF SEATTLE, a public entity,

Defendant.

No. 2:15-cv-01608-BJR

ORDER GRANTING PLAINTIFFS' MOTION
FOR AN AWARD OF REASONABLE
ATTORNEYS' FEES, COSTS, AND EXPENSES

CLASS ACTION

Plaintiffs Conrad Reynoldson, Stuart Pixley, and David Whedbee ("Plaintiffs"), and Defendant City of Seattle ("the City") have entered into a Consent Decree to settle this matter, after three years of arm's length settlement negotiations, both face-to-face between the parties and with assistance of a mediator. The parties submitted the Consent Decree to this Court on July 17, 2017, and the Court preliminarily approved the Consent Decree on July 19, 2017. The Consent Decree provided that Plaintiffs would move the Court for an award of reasonable attorneys' fees, costs, and expenses not to exceed \$1.4 million for the time period from the

inception of the matter through the Effective Date of the Consent Decree. The City agreed to not contest this motion.

In the preliminary approval order, the Court directed Plaintiffs to provide notice to the putative class of the terms of the proposed settlement, including the amount of attorneys' fees, costs, and expenses that Plaintiffs would be seeking for work performed up to the Effective Date of the Consent Decree. Plaintiffs provided notice to the Settlement Class as directed, and filed their motion for an award of reasonable attorneys' fees, costs, and expenses on September 6, 2017, pursuant to the deadline set by the Court in its Order (1) Granting Preliminary Approval of Settlement; (2) Granting Certification of Settlement Class; (3) Directing Notice to the Class; and (4) Setting Date for Fairness Hearing, ECF No. 42, ¶ 10.e. No member of the Settlement Class has objected to Plaintiffs' requested award of attorneys' fees, costs, and expenses.

Based on the Court's consideration of Plaintiffs' Motion for an Award of Reasonable Attorneys' Fees, Costs, and Expenses, and the documents provided to the Court in support, the Court finds as follows:

1. Plaintiffs are prevailing parties under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Washington Law Against Discrimination. *See* 42 U.S.C. § 12205; 29 U.S.C. § 794a(b); Rev. Code Wash. § 49.60.030(2); *Jankey v. Poop Deck*, 537 F.3d 1122, 1130 (9th Cir. 2008).

2. Plaintiffs sought an award of \$1.4 million in fees and costs to compensate Class Counsel for their time, expenses, and costs on this matter since its inception through the Effective Date of the Consent Decree. To date, Class Counsel has accrued a total of approximately \$2 million in their lodestar attorneys' fee, expenses, and out-of-pocket costs on this case. The Court finds that \$1,388,729 of the attorneys' fees, expenses and costs sought by

1 Plaintiffs is reasonable in light of the types of work and number of hours Class Counsel
2 expended to obtain the Consent Decree on behalf of the Settlement Class, Class Counsel's
3 experience in litigating and negotiating settlement of disability rights class actions, particularly
4 those involving similar claims for accessibility of the pedestrian right of way for individuals with
5 mobility disabilities, and the result obtained in this case on behalf of the Settlement Class.
6 Moreover, \$1,388,729 is significantly less than Class Counsel's actual lodestar fee. In addition,
7 \$1,388,729 includes compensation for Class Counsel's reasonable litigation expenses and out-of-
8 pocket costs, which total approximately \$50,000. Accordingly, the Court finds that an award of
9 \$1,388,729 in attorneys' fees, costs, and expenses through the Effective Date is reasonable.

10 Based on the Court's findings, the Court ORDERS:

11 1. Plaintiffs' Motion for an Award of Reasonable Attorneys' Fees, Costs, and
12 Expenses is GRANTED IN PART and DENIED IN PART.

13 2. Defendant shall pay \$1,388,729 to Plaintiffs in attorneys' fees, costs, and
14 expenses, within the time period set forth in the Consent Decree.

15 **IT IS SO ORDERED.**

16 Dated this 1st day of November, 2017.

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19 Marsha J. Pechman
20 United States District Judge

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